

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

COMMONWEALTH CARE ALLIANCE, et al.

Plaintiffs,

v.

ASTRAZENECA PHARMACEUTICALS, L.P.,
et al.,

Defendants.

Civil Action No. 05-10335 DPW

PLAINTIFFS' STATEMENT

Pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1, Plaintiffs furnished a draft of this statement to Defendants. To date, Defendants have failed to response. Pursuant to Fed. R. Civ. P. 16(b) and Local Rule 16.1, Plaintiffs state as follows:

A. Joint Discovery Plan

1. *Plaintiffs' Position.* Plaintiffs believe that the filing of a remand motion should not delay the timing of discovery which would be occurring in state court had this case not been removed. Plaintiffs believe that initial disclosures should be made as required by Rule 26.

In addition, plaintiffs believe that the first phase of discovery should focus on document production, including documents relating to defendants' promotional efforts with respect to Nexium, studies regarding the efficacy of Nexium and documents relating to class certification issues. Plaintiffs believe this discovery can be completed in six months.

Plaintiffs believe that they will need to conduct depositions of defendant employees in the following areas:

- a. The “Shark Fin” team that developed the Nexium plan.
- b. The testing of Nexium and its efficacy.
- c. The promotional efforts directed toward doctors.
- d. The consumer advertising campaign.
- e. Sales and pricing.

Plaintiffs believe this will involved 15-25 depositions.

2. *Defendants’ Position.*

B. The Filing of Motions

1. *Motion to Remand.* Defendants’ opposition to Plaintiffs’ motion to remand is due on April 12, 2005 and a reply is due on April 22, 2005.

2. *Motion For Class Certification.* Plaintiffs will move for a class of all purchasers of Nexium in the State of Massachusetts. Plaintiffs propose the following schedule with respect to class certification:

- a. April 10 – June 10, 2005: Any discovery relating to class certification to be completed.
- b. June 30, 2005: Motion for Class Certification filed.
- c. July 30, 2005: Opposition.
- d. August 15, 2005: Reply

The parties believe that a further status conference setting a find discovery cutoff and pretrial dates should occur in June 2005.

DATED: April 4, 2005.

Respectfully submitted,

COMMONWEALTH CARE ALLIANCE,
HEALTH CARE FOR ALL, GLENN
CRENSHAW, and PAULA CRENSHAW.

By their Attorneys

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CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that on April 4, 2005, I served a copy of the foregoing Plaintiffs' Statement on counsel to all parties to this proceeding by placing a copy of the same in the United States mail, properly addressed and first class postage prepaid.

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By /s/ Thomas M. Sobol
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